

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 28, 2005 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #05045

PROPOSAL: Expand a nonstandard single-family dwelling into the required front yard setback.

LOCATION: North 67th & Starr Streets

LAND AREA: 10,500 square feet, more or less

CONCLUSION: This application meets the requirements of the Zoning Ordinance and Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: S1/2 of Lots 4, 5, and 6, Block 65, Bethany Heights, and the S1/2 of Lot 5, Block 3, Endowment Place, located in the NE 1/4 of Section 21 T10N R7E, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Single-family dwelling R-2 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwelling	R-2 Residential
South:	Single-family dwelling	R-2 Residential
East:	Single-family dwelling	R-2 Residential
West:	Single-family dwelling	R-2 Residential

HISTORY:

May 1979 The zoning for this area changed from A-2 Single-Family Dwelling to R-2 Residential as part of the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

ANALYSIS:

1. This is an application to expand a nonstandard single-family dwelling into the required front yard setback for the purpose of constructing an addition.
2. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance no longer complies with the minimum lot requirements for the district in which it is located. According to the Lancaster County Assessor, this dwelling was constructed in 1906. This was prior to the adoption of zoning in Lincoln; therefore, this is a nonstandard use.
3. The required setback in R-2 is 25'. However, since neighboring homes were built further from the right-of-way, this lot must provide a setback of at least 31'.
4. LCM §27.63.540 provides conditions under which this permit may be granted:
 - a. **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

According to the Applicant, the existing building is 19' from the Starr Street right-of-way. The addition is proposed to be setback approximately 25'.

- b. **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed addition is not shown to encroach into any other required setback. The building permit review process will ensure the height requirements are met.

- c. **The use of the building shall remain a single- or two-family dwelling.**

Applicant has indicated the dwelling will remain used for single-family. This is also a recommended condition of approval.

5. No City Department has raised an objection to this permit.
6. The proposed addition to this building is not included in the category of work required to meet the Neighborhood Design Standards.

Planning Staff recommends approval of this permit based upon the following conditions.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required front yard setback along Starr Street.

2. The expansion shall not extend further into a required front yard than the furthest extension of the existing dwelling.
3. The expansion shall meet the height limit of the zoning district.
4. The use of the main structure shall remain single- or two-family dwelling.

General:

5. Before receiving building permits, Applicant shall submit an ownership certificate.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying the addition all development and construction is to comply with the approved plans.
 - 6.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 6.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 6.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

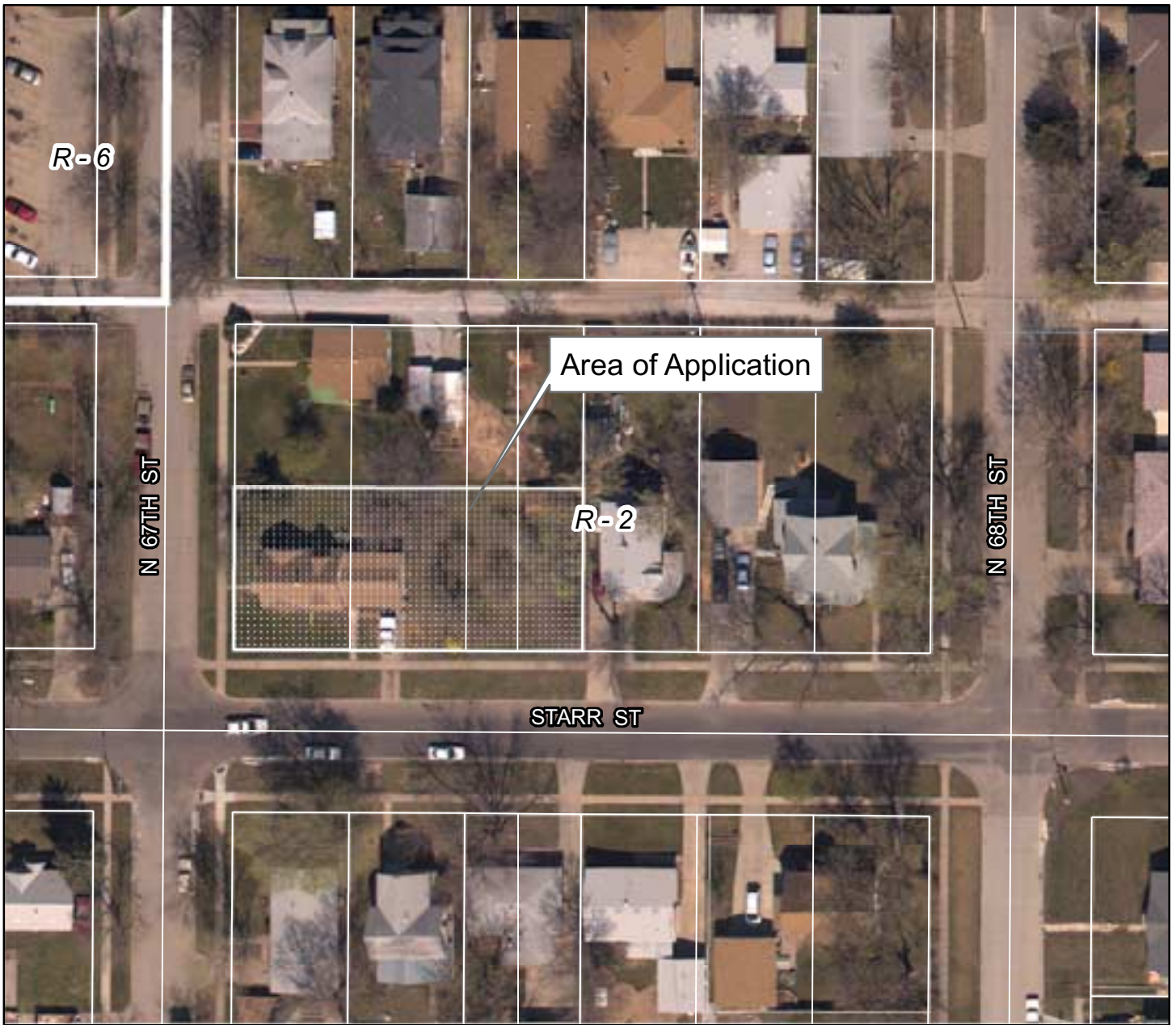
Prepared by

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov
Planner

Date: September 12, 2005

Applicant Jason Robinson
Owner 1404 North 67th Street
and Lincoln, NE 68505
Contact: 402.525.4303

F:\FILES\PLANNING\PC\PERMITS\SP\05000\SP05045 nonstandard expansion.gsc.wpd



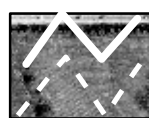
2005 aerial

Special Permit #05045 N. 67th & Starr St.

Zoning:

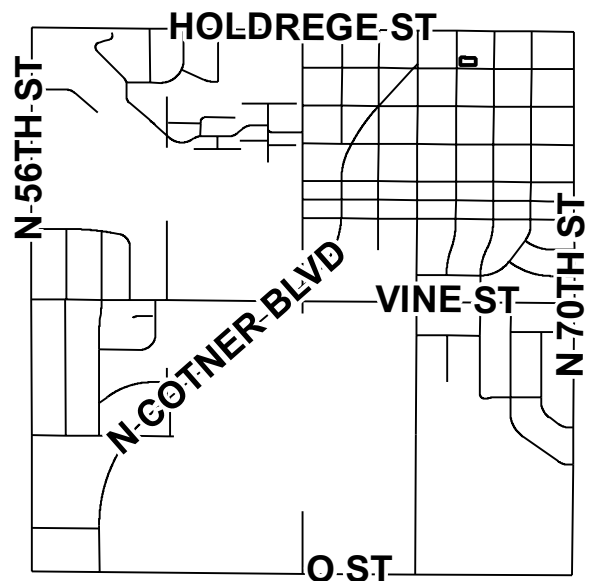
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Special Permit Letter Indicating Purpose of Application

It is of my intent and wishes to remove the existing single car attached garage, and reconstruct the single and add one more stall making it a two stall attached garage. Due to the age of the property/neighbor hood not all houses are aligned, causing issue. My house was built in 1906 and was one of the first houses in the area. My neighbor's houses to the east were built 4 years after in 1910 and all other houses much later. The circumstance is my home is built 19ft off property line, and my neighbors to the east are built 31ft and 33ft off property line. Due to current building code, any new construction and the addition I am wishing to add would essentially need to align with my neighbors house which is actually aligned to the past the middle of my house. If I were to build according to current code I would be essentially splitting the property in half, making an esthetic eyesore to the rest of the neighbor hood, and make it very hard to make reasonable utilization of the given space.

1. The building expansion will not extend further into the yard than the furthest extension of the existing dwelling.
2. The proposed building expansion will comply with all other regulations.
3. The building use shall remain a single family dwelling.

Sincerely,

Jason Robinson

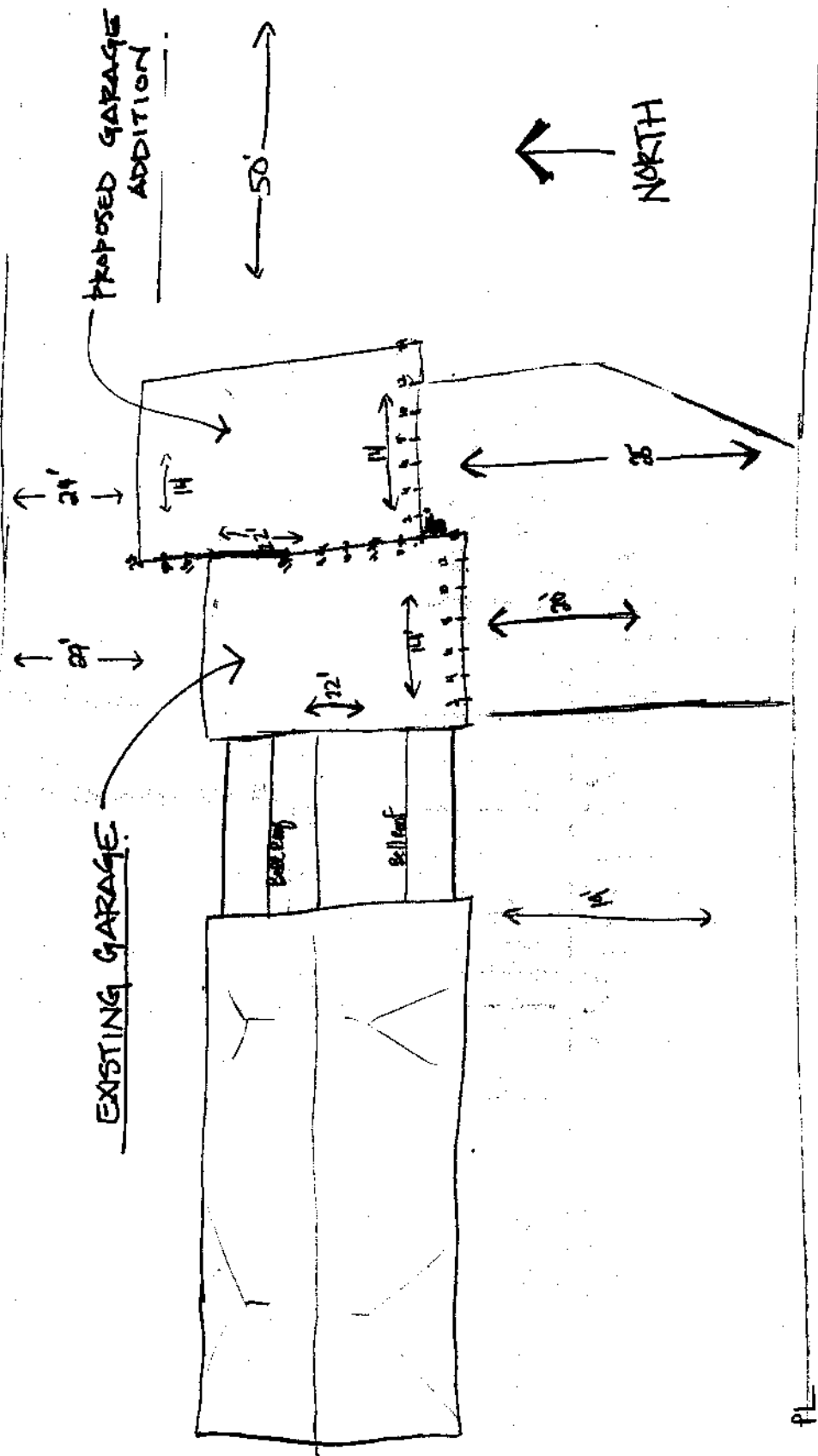
Jason Robinson, Property owner.

201

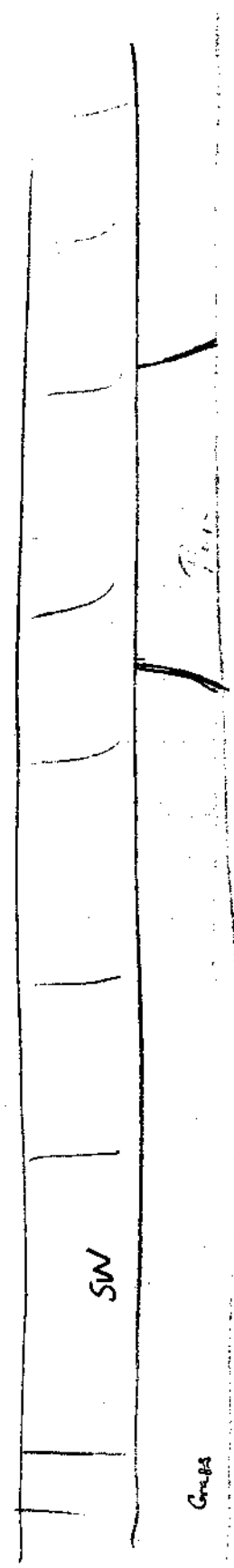
ADJ. FRONT YARD
SPECIAL PERMIT

APPLICATOR
HAWKINS
COAST
SPRING

PL



250.00



Starr Street

This Document Stands as a Petition of Surrounding Neighbors, for the address of 1404 N.

67th Street for Approval of Housing Addition to Garage.

1. Name Scott D. Ditt /Date: 8/29 /Address: 1416 N 67

2. Name Ch. Lb /Date: 8/29 /Address: 6640 STARR ST.

3. Name Maryland Harnish /Date: 8/29/05 /Address: 6711 STARR ST

4. Name Patty Stohi /Date: 8/29/05 /Address: 1340 N. 67

5. Name Kyle Hall /Date: 8-29-05 /Address: 6743 Starr

6. Name [Signature] /Date: 8/29/05 /Address: 6721 Starr

7. Name Rob R. Saks /Date: 8/29/05 /Address: 6728 Starr

8. Name Edward J. Beuchler
EDWARD BURCHES /Date: 8-29-05 /Address: 6742 Starr